

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JENNIFER ECKHART,

Plaintiffs,

v.

FOX NEWS NETWORK, LLC and ED HENRY, in his individual and professional capacities,

Defendants.

Case No. 20-CV-5593 (RA) (GWG)

DECLARATION OF EDEN P. QUAINTON

I, Eden P. Quainton, swear under penalty of perjury that the following is true and correct:

1. I am counsel for Defendant Ed Henry (“Defendant”). I am fully familiar with the facts set forth herein. I submit this declaration in compliance with the Court’s order, dated December 2, 2024, directing Defendant to file revised versions of its summary judgment papers removing “any redactions of the explicit messages between Eckhart and Henry” and “any redactions of the verbal descriptions of the explicit photographs.” Dkt. 431.

2. Attached as **Exhibit 1** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Ed Henry.

3. Attached as **Exhibit 2** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Jennifer Eckhart (“Plaintiff” or “Jennifer”).

4. Attached as **Exhibit 3** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Liz Claman.

5. Attached as **Exhibit 4** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Brad Hirst.

6. Attached as **Exhibit 5** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Dr. Marlene Oakes.

7. Attached as **Exhibit 6** hereto is a true and accurate copy of relevant excerpts from the cited deposition testimony of Andrew Holt.

8. Attached as **Exhibit 7** hereto is a true and accurate copy of a comment on one of Defendant's tweets made by Plaintiff on December 18, 2013, bearing Bates number HENRY____0000001.

9. Attached as **Exhibit 8** hereto is a true and accurate copy of an email exchange between Ed and Jennifer on December 18, 2013, bearing Bates number HENRY____0000002.

10. Attached as **Exhibit 9** hereto is a true and accurate copy of an email exchange between Plaintiff and Defendant on June 13, 2014, bearing Bates number HENRY____000003-HENRY____000004.

11. Attached as **Exhibit 10** hereto is a true and accurate copy of an email exchange between Defendant and Plaintiff on June 13, 2014, bearing Bates number PL_002908.

12. Attached as **Exhibit 11** hereto is a true and accurate copy of an Instagram post made by Plaintiff on September 16, 2015, bearing Bates number PL_H000814.

13. Attached as **Exhibit 12** hereto is an email exchange between Plaintiff and Defendant on October 21, 2015, bearing Bates number PL_H002912.

14. Attached as **Exhibit 13** hereto is a true and accurate copy of a record of a file entitled "Playlist" shared with Defendant by Plaintiff on January 2, 2016 and a message accompanying the shared file, bearing Bates number HENRY____0000005.

15. Attached as **Exhibit 14** hereto is a true and accurate identification of a song entitled "All Eyes on You," included in the playlist identified in Exhibit 13 hereto and bearing Bates number HENRY____000849.

16. Attached as **Exhibit 15** hereto is a true and accurate identification of a song entitled "Cockiness (Love it When You Eat It)" included in the playlist identified in Exhibit 13

hereto and bearing Bates number HENRY____000851.

17. Attached as **Exhibit 16** hereto is a true and accurate identification of a song entitled “Coffee (F**ing).ft.Whale,” included in the playlist identified in Exhibit 13 hereto and bearing Bates number HENRY____000852.

18. Attached as **Exhibit 17** hereto is a true and accurate identification of a song entitled “F**k You All the Time,” included in the playlist identified in Exhibit 13 hereto and bearing Bates number HENRY____000855.

19. Attached as **Exhibit 18** hereto is a true and accurate identification of a song entitled “Into the Morning,” included in the playlist identified in Exhibit 13 hereto and bearing Bates number HENRY____000858.

20. Attached as **Exhibit 19** hereto is a true and accurate copy of a link to a Daily Mail new article, dated May 11, 2016.

21. Attached as **Exhibit 20** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number HENRY____0000009.

22. Attached as **Exhibit 21** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number HENRY____0000010.

23. Attached as **Exhibit 22** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number HENRY____000011.

24. Attached as **Exhibit 23** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 9, 2017, bearing Bates number HENRY____0000012.

25. Attached as **Exhibit 24** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 9, 2017, bearing Bates number HENRY____0000013.

26. Attached as **Exhibit 25** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number HENRY____0000014.

27. Attached as **Exhibit 26** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number HENRY_0000015.

28. Attached as **Exhibit 27** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H000822.

29. Attached as **Exhibit 28** hereto is a true and accurate copy of a WhatsApp message sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number PL_H002746.

30. Attached as **Exhibit 28** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant on February 8, 2017, bearing Bates number PL_H002746.

31. Attached as **Exhibit 29** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002941.

32. Attached as **Exhibit 30** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 20, 2017, bearing Bates number HENRY_0000016.

33. Attached as **Exhibit 31** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 20, 2017, bearing Bates number HENRY_0000017.

34. Attached as **Exhibit 32** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 20, 2017, bearing Bates number HENRY_0000018.

35. Attached as **Exhibit 33** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 20, 2017, bearing Bates number HENRY_0000019.

36. Attached as **Exhibit 34** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 21, 2017, bearing Bates number HENRY_0000020.

37. Attached as **Exhibit 35** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on February 23, 2017, bearing Bates number HENRY_0000021.

38. Attached as **Exhibit 36** hereto is a true and accurate copy of a photograph sent by

Plaintiff to Defendant on February 25, 2017, bearing Bates number HENRY_0000022.

39. Attached as **Exhibit 37** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002943.

40. Attached as **Exhibit 38** hereto is a true and accurate copy of a link to definition of an “emoticon” used in the foregoing WhatsApp message.

41. Attached as **Exhibit 39** hereto is a true and accurate copy of a link to a US Census database identifying the date of Valentine’s Day in 2017.

42. Attached as **Exhibit 40** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant on February 14, 2017, bearing Bates number PL_H002748.

43. Attached as **Exhibit 41** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002872.

44. Attached as **Exhibit 42** hereto is a true and accurate copy of a link to the definition of an emoticon referenced in the foregoing WhatsApp message.

45. Attached as **Exhibit 43** hereto is a true and accurate copy of a link to the definition of an emoticon referenced in Exhibit 41 above.

46. Attached as **Exhibit 44** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H000824, PL_H002849 and PL_H002956.

47. Attached as **Exhibit 45** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant on February 14, 2017, bearing Bates number PL_H002955.

48. Attached as **Exhibit 46** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002852.

49. Attached as **Exhibit 47** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002745.

50. Attached as **Exhibit 48** hereto is a true and accurate copy of a link to a Public Broadcasting System page devoted to the 2017 CPAC conference.

51. Attached as **Exhibit 49** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002952.

52. Attached as **Exhibit 50** is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002834.

53. Attached as **Exhibit 51** is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002964.

54. Attached as **Exhibit 52** hereto is a true and accurate copy of a photograph sent by Plaintiff to Defendant on April 13, 2017, bearing Bates number HENRY____0000023.

55. Attached as **Exhibit 53** is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002963.

56. Attached as **Exhibit 54** is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H00296.

57. Attached as **Exhibit 54** is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002965.-

58. Attached as **Exhibit 55** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, bearing Bates number PL_H002864.

59. Attached as **Exhibit 56** hereto is a true and accurate copy of an electronic exchange, bearing Bates number PL_H000798.

60. Attached as **Exhibit 57** hereto is a true and accurate copy of an electronic exchange, bearing Bates number PL_H002915.

61. Attached as **Exhibit 58** hereto is a true and accurate copy of a photograph of a WhatsApp message sent by Plaintiff to Defendant, showing the date of creation of the photograph and bearing Bates number PL_H00923.

62. Attached as **Exhibit 59** hereto is a true and accurate copy of an email from Brad Hirst to Alicia Cascardi, dated June 20, 2020, and a true and accurate copy of an email exchange between Brad Hirst and Denise Collins, collectively bearing Bates number FOX_001950.

63. Attached as **Exhibit 60** hereto is a true and accurate copy of an email from Alicia Cascardi to Brad Hirst, dated May 29, 2020, together with a series of daily summaries of Plaintiff's job performance, collectively bearing Bates numbers FOX_001955-001960.

64. Attached as **Exhibit 61** hereto is a true and accurate copy of an email exchange between Brad Hirst and Denise Collins, dated June 4, 2020, bearing Bates number FOX_001951.

65. Attached as **Exhibit 62** hereto is a true and accurate copy of Plaintiff's Instagram profile, bearing Bates number FOX_001952.

66. Attached as **Exhibit 63** hereto is a true and accurate copy of a Daily Beast article referencing the allegations of Jane Doe 1 and Jane Doe 3 previously filed at Dkt.125-7.

67. Attached as **Exhibit 64** hereto is a true and accurate link to a story describing allegations of kidnapping brought against Cathy Areu.

68. Attached as **Exhibit 65** hereto is a true and accurate link to a story detailing the dismissal of Ms. Areu's complaint with prejudice.

69. Attached as **Exhibit 66** hereto is a true and accurate copy of a Rule11 letter sent to Plaintiff's counsel on December 22, 2023.

70. Attached as **Exhibit 67** hereto is a true and accurate copy of email correspondence between the undersigned and Plaintiff's counsel relating to the issue of verbal

descriptions of redacted photographs.

Dated: New York, NY
December 9, 2024

Eden P. Quainton
EDEN P. QUAINTON